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LHRMA
Lincoln Human Resource Management Association

AFFILIATE OF
SHRM
SOCIETY FOR HUMAN
RESOURCE MANAGEMENT

September Program

Program on September 11— Top Employment Law Cases of 2018

Join us on Tuesday, September 11 at the Del Ray Ballroom. Chris Hedican from Baird Holm and Kathleen Neary from Vince Powers and Associates will be presenting on the top employment law cases of 2018.

WHEN AND WHERE

Tuesday, September 11, Lunch and program 11:30—1:00 p.m. at The Del Ray Ballroom, 817 R St, Lincoln, NE

LUNCH PROGRAM REGISTRATION FEES:

LHRMA members – \$15 All Other Attendees – \$25

College Student Chapter Members—FREE (Luncheon attendance is free for SHRM designated student chapter members. Current SHRM designated chapters include: University of Nebraska-Lincoln. Students must register through Jenessa Keiser, College Relations Chair, college.relations@lincolnhn.org for free meeting attendance.)

REGISTRATION DEADLINE

Register by Friday, September 7th at noon.

WELCOME NEW MEMBERS

LHRMA welcomes the following new members:

Jennifer Strohmyer
Human Resources Administrator
General Excavating
jstrohmyer@generalexavating.com

Sayaka Sato Mumm
Administrative Assistant
Mario USA Company
Sayaka_satomumm@mariouusa.com

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Human Resources Business Partner
Tyler.berry@exmark.com

Ashley Beethe
Administrative Coordinator
Allergy, Asthma & Immunology Associates,
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President's Message

By Lindsay Selig, LHRMA President



August marked the month for the SHRM Nebraska annual HR conference.

First and foremost, I want to say THANK YOU to the 2018 conference planning committee. Speaking from experience, there is a ton of planning that goes into making each conference happen – in fact, the planning starts over a year in advance and continues up to the day of the conference. The individuals on the planning committee are HR professionals, who take on the planning of the conference out of the goodness of their hearts, so I want you to know how much we appreciate it.

Secondly, I want to say thank you to all of the LHRMA members that attended. I sincerely hope you found it beneficial in helping you continue to move your career forward.

For those that are not aware, the SHRM Nebraska state conference is hosted by the SHRM Nebraska State Council. The State Council is a statewide HR organization. There are seven local chapters, such as LHRMA, that feed into the State Council. The goal of the state-wide organization is to help bring all HR professionals together and help us be a voice in the professional world.

If you weren't able to attend, here are a few highlights from this year's conference:

5 outstanding keynote speakers (especially the endnote on Friday afternoon!)

Over 70+ exhibitors sharing information on HR resources

35 breakout sessions outlining various topics related to the HR world

Record number of HR professionals to network with throughout the conference

An after hours reception dedicated to promoting networking specifically

Once again – what an outstanding event! Thank you to all involved! If you weren't able to make it this year, please mark your calendar for August 22nd and August 23rd next year!

Legal Update

New DOL Opinion Letters Provide Guidance to Employers

By Mark A. Fahleson, Rembolt Ludtke LLP

For decades the U.S. Department of Labor (DOL) issued opinion letters to employers posing specific questions arising under the Fair Labor Standards Act of 1938 (FLSA) and, later, the Family and Medical Leave Act of 1993 (FMLA). Unfortunately, in 2010 the Obama Administration eliminated these opinion letters in favor of broader “Administrator Interpretations,” few of which were actually issued. Thankfully, the DOL under the Trump Administration reinstated the use of these opinion letters, and on August 28, 2018, the DOL issued six new opinion letters that may provide helpful guidance to your organization and the issues you may face.

"Opinion letters help provide greater clarity for American job creators and employees," said Wage and Hour Division Deputy Administrator Bryan Jarrett. "The opinion letters issued [on August 28] show the ongoing efforts of the Department to provide the tools employers need to comply with the law and protect workers."

The six opinion letters issued on August 28 may be found at <https://www.dol.gov/whd/opinion/guidance.htm> and address the following issues:

- Organ donors' qualification for FMLA leave;
- Compensability of time spent voluntarily attending benefit fairs and certain wellness activities;
- Application of the movie theater overtime exemption to a movie theater that also offers dining services;

- Application of the commissioned sales employee overtime exemption to a company that sells an internet payment software platform;
- Volunteer status of nonprofit members serving as credentialing examination graders; and
- “No-fault” attendance policies and roll-off of attendance points under the FMLA.

The opinion letter on no-fault attendance policies under the FMLA is of particular interest. Under the facts as presented to the DOL by the employer, the employer’s attendance policy provides that employees “accrue” points for tardiness and absences. However, under the policy employees do not accrue points for certain absences, including absences that are FMLA-protected, as well as absences for workers’ compensation, vacation, and other specified reasons. An employee is automatically discharged if he or she accrues eighteen points. Points remain on an employee’s record for twelve months of “active service” after accrual, although the policy does not define “active service.” Under the policy an employee’s points are extended for the duration of his or her FMLA leave. Thus, an employee returns from FMLA leave with the same number of points that he or she accrued prior to the leave, and consequently the points may remain on his or her record for more than twelve months. The same is true for other



types of leave for which employees do not accrue points, such as workers’ comp leave. The employer wanted to know if its policy was permissible under the FMLA. The DOL concluded that the policy did not violate the FMLA.

Specifically, the DOL recognized the importance of attendance policies, stating that the “[r]emoval of absenteeism points is a reward for working and therefore an employment benefit under the FMLA.” Because the number of accrued points remains effectively frozen during FMLA leave under the policy “[a]n employee neither loses a benefit that accrued prior to taking the leave nor accrues any additional benefit to which he or she would not otherwise be entitled. WHD’s longstanding position is that such practices do not violate the FMLA, as long as employees on equivalent types of leave receive the same treatment.” However, the DOL noted that if the policy “counts equivalent types of leave as “active service” under the no-fault attendance policy—meaning the employer counts such leave toward the twelve months necessary to remove points—then the employer may be unlawfully

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discriminating against employees who take FMLA leave.”

LESSONS:

DOL opinion letters provide useful guidance for employers and HR professional regarding the application of the FLSA and FMLA and may help employers avoid liability under these laws. The DOL’s decision to reinstate the use of these opinion letters is a positive development for employers, and you are encouraged to visit the

DOL’s website to gain further insight on how these laws are applied in specific situations.

Fahleson is an attorney with the Lincoln-based law firm of Rembolt Ludtke LLP and may be reached at (402) 475-5100 or mfahleson@remboltlawfirm.com. This article is provided for general information purposes only and should not be construed as legal

advice. Those requiring legal advice are encouraged to consult with their attorney.

4814-7866-9425, v. 1

Jobs, Jobs and More Jobs!

If you are an employer with an employee that is a current LHRMA member, then you can post your HR-related job opening on our website for **FREE!** Just email lhrma0048@yahoo.com.

If you are looking for a human resource position, then check it out! Go to: <http://lincolnhr.org/blog/hr-job-openings/>

This is also an excellent resource for students who are seeking an HR position or for companies to advertise if they have summer internships available. Take advantage of this great resource—you can’t beat the price!



Preventing the First Occurrence of Back Pain

Sitting is now the new smoking and all office chairs should have a warning label indicating they are hazardous to your health and should be used sparingly.

A study performed in 1995 found that the first episode of back pain could be prevented if certain back muscles were strengthened. Have you been informed as to what these muscles are and what exercises are best to help your employees avoid a work-comp injury? It has been shown that weakening of the muscles occurs from sitting or injury and can lead to disc injury.

Therapeutic exercises must be performed on these muscles or it predisposes the individual to further injury and they are often neglected with standard medical treatment.

Chronic musculoskeletal pain cannot be clearly identified by diagnostic studies and must be performed hands on. The vast majority of these back problems respond very well to conservative chiropractic treatment and rehab. We know that treatment consisting of only passive care will

result in scar tissue formation leading to weakness, loss of function, decreased mobility and nerve damage. All can be avoid with chiropractic treatment.

Relief of lower back pain does not restore muscle mass to certain important back muscles. A carefully executed routine of spinal stabilization is required along with spinal adjustments. We know most PT plans help the patient alleviate or adapt to back pain. Chiropractic plus rehab is the way to recover from back pain and prevent its recurrence.

Find out what chiropractic can do for you employees and reduce your health care costs!

Should you have any questions regarding the treatment for lower back pain give Dr. McCracken a call. Improved health, decreased health costs and increased productivity have been documented in the literature and by Dr. McCracken in over 4 decades of practice. For more information you may reach Dr. McCracken at: drmcchiro@gmail.com

Prepping for Generation Z's Entrance into the Workplace

Generation Z includes those born in 1995 and later. Now in their early 20s, they're entering the workforce. Research has shown that they differ in some surprising ways from their millennial predecessors. Generation Z grew up after 9/11 in a world with war, terrorism and an economic recession. Witnessing struggle both abroad and close to home, they tend to be more mature and frugal than their millennial counterparts. Born and raised in a digital and video culture, they are known to be the most diverse generation in history. They can fix or "life-hack" nearly anything. And they manage to do it with an eight-second attention span. Understanding this group's attitudes toward work and life is a must for companies preparing to recruit this generation. Let's look at a few ways the workplace can prepare for their coming.

Preparation Tip – Prepare Millennials to Manage Generation Z

As baby boomers retire, Generation X will be in line for next-level leadership. However, Generation X makes up only 13 percent of the population. There will not be enough Generation Xers to fill all the roles. Millennials' large population means they will soon be managing the first members of Generation Z as they enter the workforce. New millennial managers will need basic management skills training and training specific to managing Generation Z. Early research suggests Generation Z prefers in-person communication with managers and peers. They show a preference for well-defined chains of command and teaching-style leadership. Generation Z will want face time and opportunities to showcase their capabilities. Additionally, Generation Z tends to thrive on private time to think, tinker and explore new

ideas. Managers of Generation Z may need to find balance between encouraging new "work-hacks" and ensuring procedures be followed as written.

Preparation Tip – Provide Access and Support

Generation Z wants access to information, people, support and anything that will help provide them security. This generation is determined. Often driven by a cause or a need to make a difference, they wish to serve while seeking stability. Born in a less-stable world, this generation looks toward the future and will want to secure a healthy trajectory for their careers. They will also seek security both financially and personally. Workplace mentors and an emphasis on work-life balance and financial security will be solid recruitment features with Generation Z.

Preparation Tip – Provide an Accepting and Healthy Workplace Culture

As the most diverse generation in U.S. history, this generation seeks acceptance. A University study showed 37 percent of Generation Z fear entering the workforce and not being able to find jobs where they fit in. They will want a positive workplace culture. Among the highest-ranking aspects this generation seeks in their future employer's culture are friendliness, diversity appreciation and pleasant office environment. A workplace that has stated values regarding its people, supports team development, engages in conflict resolution efforts along with other peer relationship development initiatives will prove to be attractive to this incoming generation. Continuum EAP can provide consultation on the various generations. Communication, relationship development and work-life outlook can vary among each generation. This can cause conflict and affect individual or team performance. Contact Continuum EAP and we will be happy to discuss your specific workplace needs.



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